

**TESTIMONY**  
**JOINT COMMITTEE ON JUDICIARY**  
*In Support of*  
*The Reappointment of the*

Honorable Dan Shaban of Middlebury

March 2, 2012

My name is John Logan and I have been a practicing attorney since 1982. My offices are located in Torrington, Connecticut. In my practice I handle civil and criminal cases, the vast majority of which are in the Litchfield Judicial District. My background includes a variety of leadership positions within the Connecticut Bar Association including years as Litchfield County's representative to the House of Delegates and the Board of Governors. Presently, I serve as the chair of the Committee on Professional Ethics.

I come here today to speak in support of the reappointment of Judge Dan Shaban. I have no relationship to Judge Shaban and my testimony today is based solely on my experiences as an attorney practicing law. I estimate I have appeared before Judge Shaban no less than 50 times.

These appearances have included criminal cases where he heard bond reduction arguments, applications for various pretrial diversionary programs, suppression motions, pleas and sentencing arguments. In chambers, Judge Shaban also presided over pre-trials assisting counsel in negotiating the resolution of pending matters.

On the civil side, I have been appeared before Judge Shaban more frequently. These appearances have included short calendar arguments regarding legal and discovery issues, pendente lite hearings as well as numerous civil pre-trials. Some of these matters included testimony and others were oral arguments involving complex, civil litigation matters addressing specific points of law. I have also observed Judge Shaban as he is presided over other matters where I was not counsel of record.

While there is no agreed upon formula as to what makes a good Superior Court judge, I will share with you the attributes I think should be used in determining whether someone is good for the bench. In my opinion, Judge Shaban possesses those attributes.

First, and foremost, he is always prepared. He is knowledgeable regarding the law and knows how to follow it. His judicial temperament is appropriate. He displays no bias or prejudice and provides litigants with a level playing field. He shows respect to both counsel and to parties. He is in control when he is on the bench and moves the proceedings forward at a good pace. In other words, he appropriately balances the competing objectives of providing full consideration of the matters before him against the need to complete the day's docket. His rulings are clear, concise and timely. In sum, I was not surprised when he was assigned to the complex litigation docket. It was a natural fit. And, as you all know, he recently presided over one of the most complicated proceedings in the history of our state.

I note my partner, Al Mencuccini, not so long ago tried a much less complicated matter before Judge Shaban. It was a claim that a defective municipal sidewalk caused our client's fall and injuries. Judge Shaban sat both as the fact finder and judge. This may have been his last trial in the Litchfield judicial district before his appointment to the complex litigation docket. As it turned out, Judge Shaban ruled against our client finding that the plaintiff failed to prove the sidewalk defect constituted the sole proximate cause of her injuries. While Mr. Mencuccini was less than thrilled with the outcome, he nonetheless indicated to me that he was impressed by Judge Shaban's skill and judicial temperament throughout the trial and gave him high praise for his handling of the matter. Most importantly, his client felt heard.

There is one time where I observed Judge Shaban outside the courthouse. He came to speak to our local Rotary Club delivering general remarks about the duties of a Superior Court judge. His presentation provided a unique glimpse behind this judge's robes. I recall being impressed with his candor. He admitted stressing over difficult decisions he had been called upon to make. He noted that it was sometimes quite difficult to assess the credibility of contradictory witnesses and he empathized with those audience members who had served as jurors and were likewise called upon to perform this task. He described the enormous effort involved whenever he was required to make a decision affecting a person's liberty. He was a good spokesman for the branch.

The State of Connecticut would be well served by Judge Shaban's reappointment to the Superior Court bench. I am happy to answer any questions. Thank you.